

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

DEC 03 2009

U. S. DISTRICT COURT
E. DIST. OF MO.
ST. LOUIS

UNITED STATES OF AMERICA,)

Plaintiff,)

V.)

No.)

MICHAEL PAUL MARTIN and)
JOSE CARLOS GARCIA,)

Defendants.)

4 : 0 9 CR 0 0 7 6 0 J CH

INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term:

(a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(1));

(b) "sexually explicit conduct" to mean actual or simulated

(i) sexual intercourse, including genital-genital, anal-genital, oral-genital, oral-anal,

whether between persons of the same or opposite sex,

(ii) bestiality,

(iii) masturbation,

(iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C

§2256(2)(A)); and

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6)).

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files including, but not limited to, the visual depictions in any count of this indictment.

3. Between on or about January 1, 2008 and on or about September 19, 2009, in the Eastern District of Missouri,

MICHAEL PAUL MARTIN,

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, DB, to engage in sexually explicit conduct, specifically, the lascivious exhibition of DB's genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: still images of the lascivious exhibition of DB's genitals, and such depiction was produced using materials that had been mailed, shipped, or transported in interstate

and foreign commerce, i.e., a Panasonic DMC-LZ3 camera.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT II

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about January 1, 2008 and on or about September 19, 2009, in the Eastern District of Missouri,

MICHAEL PAUL MARTIN,

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, JB, to engage in sexually explicit conduct, specifically, the lascivious exhibition of JB's genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: still images of the lascivious exhibition of JB's genitals, and such depiction was produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a Panasonic DMC-LZ3 camera.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT III

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. In or about June, 2009, in the Eastern District of Missouri,

**JOSE CARLOS GARCIA and
MICHAEL PAUL MARTIN,**

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, JE, to engage in sexually explicit conduct, specifically, the lascivious exhibition of JE's genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: still images of the lascivious exhibition of JE's genitals, and such depiction was produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a Canon EOS Digital Rebel XS camera.

In violation of Title 18, United States Code, Sections 2 and 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT IV

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. On or about September 19, 2009, within the Eastern District of Missouri,

MICHAEL PAUL MARTIN,

the defendant herein, did knowingly possess material that contains an image of child pornography that was produced using materials that traveled in interstate commerce, to wit, a Seagate hard drive with serial number 4JS1FYA2 that was produced outside Missouri and therefore has traveled in interstate commerce, and which contained child pornography, including but not limited to one of the following:

1) "11170_437_d88f29e081.jpg" - a graphic image file depicting two minor males in the lascivious exhibition of their genitals;

2) "104o2.mpg" - a video file depicting three nude minor males masturbating each other and engaged in oral sex;

3) "5Yo Boy Fucked From Underneath By Big-Cock Man-Pthc Pedo Kiddy-3.32(25.0Mb).mpg" - a video file depicting a male anally penetrating a minor male with his penis;

4) "Devonzinho" - a video file depicting a minor male in the lascivious exhibition of his genitals;

5) "Mikael is fucked in bed.mpg" - a video file depicting a male anally penetrating a minor male with his penis;

6) "Mikael suck man in bed.mpeg" - a video file depicting a minor male performing oral sex on a male.

In violation of Title 18, United States Code, Section 2252A(a)(5)(B) and punishable under Title 18, United States Code, Section 2252A(b)(2).

COUNT V

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about January 1, 2009 and on or about September 19, 2009, within the Eastern District of Missouri and elsewhere,

MICHAEL MARTIN,

the defendant herein, knowingly received child pornography that had been mailed, shipped and transported in interstate commerce by any means, including but not limited to one of the following:

- 1) “(BOY LOVE)KIDNAPPED and TIED 10yo BOY(1)(1).jpg” - a graphic image file depicting a minor male tied up and gagged in the lascivious exhibition of his genitals;
- 2) “(pthc) Open-f49-(8Yr Old Girl 12Yr Old Boy-Gebr.mpg” - a video file depicting a minor male and minor female masturbating and engaged in sexual intercourse;
- 3) “10-11.mpg” - a video file depicting a male engaged in sexual intercourse with a minor female;
- 4) “12yo Webcam -- Giving Head (Part III).mpg” - a video file depicting a minor female performing oral sex on a male;
- 5) “5 2 Cute Adorable Little 10yo Preteen Boys Snuggle & Kiss Na.mpg” - a video file depicting two minor males in the lascivious display of their genitals.

In violation of Title 18, United States Code, Section 2252A(a)(2) and punishable under Title 18, United States Code, Section 2252A(b)(2).

A TRUE BILL.

FOREPERSON

MICHAEL W. REAP
Acting United States Attorney

CARRIE COSTANTIN, #54734
Assistant United States Attorney